

### **REMARKS**

This Amendment is in response to the Office Action mailed on February 21, 2008. Claims 1, 2, 4-6, 8-11, 16, 17 and 20 are amended editorially. No new matter is added. Claims 1-20 are pending.

#### **Specification Objections:**

The title is objected to as being non-descriptive. The title is amended as suggested by the Examiner. Withdrawal of this objection is requested.

#### **Claim Objections:**

Claims 6, 8 and 17 are objected to for informalities. In particular, the phrase “or more” is objected to as being confusing. Claims 6, 8 and 17 are amended to remove this phrase. Withdrawal of this rejection is requested.

#### **§101 Rejections:**

Claims 1-20 are rejected as being directed to non-statutory subject matter. In particular, the claim language “that transmits...from a skin surface...toward a blood vessel” and “receives an...echo reflected by the blood vessel” is considered non-statutory subject matter. Claims 1, 2, 4-6, 8-11, 16 and 20 are amended to clarify that the phrases considered as non-statutory subject matter are not structural features of the claims, but merely functional elements used to define how the structural features of the claims are configured. Accordingly, claims 1-20 are directed to statutory subject matter and this rejection should be withdrawn.

#### **§102 Rejections:**

Claims 1-3 and 5-20 are rejected as being anticipated by “Detection of lumen-intima interface of posterior wall for measurement of elasticity of the human carotid artery,” *Ultrasonics Ferroelectrics and Frequency Control*, IEEE Transactions on, vol.51, no.1, pp.93-108, Jan 2004 (“Hasegawa”). This rejection is traversed. The present application claims priority to JP Application No. 2003-181696 filed in the Japanese Patent Office on June 25, 2003 and JP Application No. 2003-188245 filed in the Japanese

Patent Office on June 30, 2003. Enclosed is a verified translation of the priority applications.

The earliest effective prior art date of Hasegawa is January 2004, which is subsequent to the priority dates of the present application. Withdrawal of Hasegawa as a prior art reference is requested. Accordingly, this rejection is now moot. Applicants do not concede the correctness of this rejection.

§103 Rejections:

Claim 4 is rejected as being unpatentable over Hasegawa in view of Li (US Patent Publication No. 2003/0114756). This rejection is traversed. Claim 4 depends from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Conclusion:

Applicants respectfully assert that claims 1-20 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Curtis B. Hamre (Reg. No. 29,165), at (612) 455-3802.



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Respectfully submitted,

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